

1 4 OCT 2008



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON NJ 08543

In re Application of :
Herpel et al. :
Application No. 10/578,996 :
PCT No.: PCT/EP2004/010234 :
Int. Filing Date: 13 September 2004 : DECISION
Priority Date: 12 November 2003 :
Atty. Docket No.: PD030116 :
For: Method And Device For Composing A Menu :

This is in response to the petition under 37 CFR 1.182 filed on 26 September 2008.

DISCUSSION

In a Decision mailed on 28 August 2008, it was noted that

Inspection of the declaration filed on 11 May 2006 reveals that it nominates "Dirk Gandolph" in place of "ADOLPH, Dirk" named in the published international application. MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

Applicants have provided a "Declaration of Dirk Gandolph..." attesting to his name change. However, since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. In the absence of a formal petition under 37 CFR 1.182, it would not be appropriate to accept the declaration at this time.

In response, applicants have filed the instant petition under 37 CFR 1.182, accompanied by an additional copy of the "Declaration of Dirk Gandolph..." Petitioner states in part that "one of the inventors of the application, changed his name from Dirk Adolph to Dirk Gandolph." The "Declaration of Dirk Gandolph..." attests to the circumstances surrounding the name change referred to by counsel. Based on the totality of the evidence currently of record, it would be appropriate to accept the declaration filed on 11 May 2006.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed on 11 May 2006 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 May 2006**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459